

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA

v.

TOMAN CAUDILL

No. 1:23-cr-000112-JAW

PROSECUTION VERSION OF THE OFFENSE

On September 3, 2023, officers with the Bangor Police Department (“BPD”) responded to a report that a male had fired a handgun in a residential area. When officers arrived at the scene, a bystander directed them to the defendant, who was walking nearby with a woman later identified as his fiancé, and their young child. Officers approached the defendant, who denied having a gun on his person and allowed officers to look inside a backpack he was wearing. The officers located a box of Hornady 9mm ammunition in that backpack, which contained 16 live rounds of ammunition. The defendant received Miranda warnings and was detained in an officer’s vehicle.

Under questioning, the defendant’s fiancé then produced a Ruger 9mm handgun and stated the defendant had handed it to her before the officers arrived. She described a male threatening them with a baseball bat, hearing a gunshot, and then seeing the defendant place the handgun into his waistband. The officers observed that the handgun had several rounds of 9mm ammunition in its magazine, and one spent casing that appeared to have jammed upon firing.

The defendant was transported and interviewed. He explained there had been an altercation where he, his fiancé, and their child were approached by a male who was threatening them and wielding a baseball bat. The defendant stated he had fired a warning shot from a handgun to defend himself and his family. He said he had the gun concealed in his waistband prior to his encounter with the male.

Special Agent Justin Blais of the Bureau of Alcohol, Tobacco, Firearms and Explosives examined the pistol, the ammunition from the pistol's magazine, and the ammunition found in the defendant's backpack. He determined the 9mm pistol was indeed a firearm and that it was manufactured in Arizona. He determined the 9mm ammunition was indeed ammunition and that it was manufactured in Nebraska.

The defendant was convicted and sentenced of felony-level crimes in three separate cases on February 28, 2020, all in the Penobscot Criminal Docket Court. For example, in Docket Number PENCD-CR-2019-02924, he was convicted on February 28, 2020, of Criminal Threatening with a Dangerous Weapon and sentenced to 42 months imprisonment, with all but 18 months suspended. In 2018, he was also convicted of a felony level offense, Tampering with a Witness, in the same court, and sentenced to serve 6 months imprisonment.

Had this case proceeded to trial, the Government would have offered the testimony of the officers and agents involved in the investigation and the events described above. The Government also would have offered testimony from witnesses who saw and heard the firearm on September 3, 2023, as well as certified court records and physical evidence seized during the investigation.

Date: January 4, 2024

Respectfully submitted,

DARCIE N. MCELWEE
United States Attorney

/s/Ethan R. Plaut
Ethan R. Plaut
Assistant United States Attorney
United States Attorney's Office
202 Harlow Street, Suite 111
Bangor, ME 04401
(207) 945-0373
Ethan.Plaut@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2024, I electronically filed the Government's Prosecution Version of the Offense with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Luke Rioux, Esq.

DARCIE N. MCELWEE
United States Attorney

/s/ Grace C. Herrick
GRACE C. HERRICK
Paralegal Specialist

On behalf of: Ethan R. Plaut
Assistant United States Attorney
United States Attorney's Office
202 Harlow Street, Suite 111
Bangor, ME 04401
(207) 945-0373
Ethan.Plaut@usdoj.gov